

APPROVED

MAR 21 '02

BY GOVERNOR

CHAPTER

83

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWO

H.P. 1609 - L.D. 2107

**Resolve, Regarding Legislative Review of Portions of Chapter
395 - Construction Standards and Ownership and Cost
Allocation Rules for Electric Distribution Line Extensions,
a Major Substantive Rule of the Public Utilities
Commission**

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90- days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule~; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 395 - Construction Standards and-Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a provisionally adopted major substantive rule of the Public Utilities Commission, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if the rule is modified as follows.

1. Section 4 is replaced with new language that:

A. Requires that before a line extension in a public way or private way is energized the private line extension contractor or owner of a line extension must obtain one of the following: a determination by an employee designated by the transmission and distribution utility that the line is safe or a determination in writing by a registered professional engineer or a person licensed to certify electric distribution line extension construction by the Office of Licensing and

Registration within the Department of Professional and Financial Regulation, or by another state agency designated by law, that the line extension is safe, reliable and constructed in compliance with the standards required by the rule; and

B. Specifies that, upon request of a private line extension contractor or an owner of a line extension, a transmission and distribution utility employee designated by the transmission and distribution utility shall inspect the line extension within 5 business days of the request.

2. Section 5, subsection B is amended by adding new language providing that, if parties are unable to resolve a dispute within 3 business days, any party to the dispute has the option to request the Public Utilities Commission to initiate dispute resolution procedures.

3. Section 8, subsection A is amended by adding or modifying language to:

A. Ensure consistency with the changes made to section 4 of the rule described in subsection 1 of this section of this resolve;

B. Require a transmission and distribution utility to inspect privately constructed line extensions;

C. Provide that, if a transmission and distribution utility determines that energizing the line extension would jeopardize the safety of any person or the reliability of the transmission and distribution utility's distribution system, the transmission and distribution utility may not energize the line;

D. Provide that, if a transmission and distribution utility determines the line extension does not comply with standards required by the rule or may not provide reliable service to the customers who will be served by the line extension, the transmission and distribution utility may refuse to energize the line;

E. Provide that, if the private line extension contractor or owner disagrees with the transmission and distribution utility's decision not to energize the line and refuses to make modifications requested by the transmission and distribution utility, the transmission and distribution utility shall initiate a dispute resolution process pursuant to the relevant provisions of the rule;

F. Provide that when a determination has been made that all the requirements under sections 4 and 8 of the rule for energizing the line have been satisfied the transmission and distribution utility shall energize the line within 14 business days of that determination or a later date established by mutual agreement of the parties;

G. Provide that in the event of widespread power outages due to weather or other emergency the time requirements for dispute resolution under sections 4, 5 and 8 of the rule do not apply; and

H. Make the heading of the subsection consistent with these changes.

4. In section 1, subsection D in the last sentence, the number of years is changed from 10 to 20, and in section 9, subsection C, paragraph 1, the number of years is changed from 10 to 20.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.